IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2021

CORAM

THE HON'BLE MR.JUSTICE M. DURAISWAMY
AND
THE HON'BLE MRS.JUSTICE T.V. THAMILSELVI

Tax Case Appeal No.568 of 2014

Commissioner of Income Tax,
Chennai. ... Appellant

Vs.

M/s.Apollo Hospitals Enterprises Ltd.,
Ali Towers, No.55, Greams Road,
Chennai - 600 006. ... Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Chennai "D" Bench, dated 18.06.2012 passed in I.T.A.No.596/Mds/2012 and as against the order dated 21/12/2011 passed by the Commissioner of Income Tax (Appeals)-III Chennai, in ITA.No. 38/08-09/A-III, and as against the order dated 07/05/2008, passed by the Deputy Commissioner of Income Tax, Chennai.

For Appellant : Mr.T.R.Senthil Kumar
Senior Standing Counsel

For Respondent : Mr.N.V.Balaji

J U D G M E N T
(Delivered by M.DURAISWAMY, J.)

This appeal filed by the Revenue under Section 260A of the Income Tax Act, 1961 ('the Act' for brevity), is directed against the order dated 18.06.2012 passed by the Income Tax Appellate Tribunal, Chennai "D" Bench, ('the Tribunal' for brevity) in I.T.A.No.596/Mds/2012 for the assessment year 2000-01. The Revenue has raised the following Substantial Questions of Law in the above appeal.

"1.Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in upholding the orders of the CIT(A) in allowing the disallowance made under the head lease equalisation charges?

2.Whether accounting standards issued by ICAI override the provision of the I.T. Act and whether the Hon'ble Tribunal was right in directing the lower authorities to allow a notional expenditure while computing its business income which is against the method of computation prescribed under Section 29 of the I.T.Act?"

2. We have heard Mr.T.R.Senthil Kumar, Senior Standing Counsel for the appellant/Revenue and Mr.N.V.Balaji, learned counsel for the respondent/assessee.

3. It may not be necessary for this Court to decide the Substantial Questions of Law framed for consideration on account of certain subsequent developments. The Government of India enacted the Direct Tax Vivad Se Vishwas Act, 2020 (Act 3 of 2020) to provide for resolution of disputed tax and for matters connected therewith or incidental thereto. The Act of the Parliament received the assent of the President on 17$^{th}$ March 2020 and published in the Gazette of India on 17$^{th}$ March 2020.

4.Learned counsel for the respondent/assessee submitted that the assessee had availed the Vivad Se Vishwas Scheme and that the respondent/assessee had already been issued with Form-3 on 11.12.2020.

5.Since the respondent/assessee had been issued with Form-3, nothing survives for adjudication in the above appeal. Recording the submission made by the learned counsel for the respondent/assessee, the Tax Case Appeal stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. Income Tax Appellate Tribunal,
   Chennai "D" Bench

2.The Commissioner of Income Tax,
  Chennai.

3.The Commissioner of Income Tax (Appeals),
  Chennai.

4.The Deputy Commissioner of Income Tax,
  Chennai.

+1cc to Mr.N.V.Balaji & K.Rathinavel, Advocate, S.R.No.17552
+1cc to Mr.T.R.Senthil Kumar, Advocate, S.R.No.16590

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